

REMARKS

The Examiner has indicated that claims 5, 9 – 17 and 21-33 contain allowable subject matter if they were rewritten in independent form. Accordingly, claim 5 has been rewritten as new independent claims 34 and 38. Allowance of independent claims 34 and 38 is respectfully requested. Allowance of new independent claims 35 – 37 and 29 – 43 is also requested.

Claims 1 – 4, 7, 18 and 19 are rejected under 35 U.S.C. 103 as being anticipated by *Hultgren et al.* (WO 98/47116) in view of *Musa* (US 6,016,349).

Independent claims 1 and 3 are amended.

In particular, amended method claim 1 now states:

1. (Currently Amended) A method of effecting a cashless payment transaction by means of a merchant station (1) characterized by a merchant station identification code, a mobile cell phone (2) with a SIM card characterized by an identification code identifying the SIM card, and a comparing device (3), which comprises a transaction data memory device (10), a merchant checking device (11) for checking the identification codes of the merchant stations authorised for this method, and a subscriber checking device (12) for checking the identification codes of the SIM cards authorised for this method and which is connected to account keeping devices (15), comprising the steps:

reading an amount of money to be paid into the merchant station,

transmitting, by the merchant station, the identification code of the merchant station and at least the amount of money to the comparing device with ~~this identification code~~ through a data link,

checking the authority of the merchant station for the method, using the merchant checking device,

terminating the method in the absence of the authority, otherwise writing the data as an open transaction into the transaction memory device of the comparing device,

after the step of reading the amount of money into the merchant station,
making a connection from the mobile cell phone to the comparing device,

transmitting the identification code of the merchant station and the identification code associated with the SIM card from the mobile cell phone to the comparing device,

checking the authority of the SIM card for the method, using the subscriber checking device, in the absence of the authority terminating the method, clearing the open transaction from the transaction memory and the transmitting corresponding data to the merchant station, otherwise comparing the merchant station identification code transmitted from the mobile cell phone with those of the open transactions stored in the transaction memory device and on failure to find such a transaction terminating the process and, on finding the process,

transmitting the transaction data to the mobile cell phone,

outputting the data through the mobile cell phone,

requesting confirmation information through the mobile cell phone,

transmitting the confirmation data to the comparing device,

terminating the transaction and clearing the transaction from the transaction memory if the confirmation data corresponds to a refusal, and transmitting the transaction data from the transaction memory and the identification code of the mobile cell phone to an account keeping device and clearing the transaction from the transaction memory in the alternative case.

Even when combined the references do not teach the combination set forth in claim 1 as now amended. More specifically, neither *Hultgren et al.* nor *Musa* teach "transmitting, by the merchant station, the identification code of the merchant station and at least the amount of money to the comparing device ~~with this identification code~~ through a data link". As seen in Hultgren's Fig. 1, 1A and 1B, the transaction is initiated by the customer, not the merchant. Neither *Hultgren et al.* nor *Musa* teach or suggest a master station initiated transaction. For these reasons it is respectfully requested that the rejection of independent claim 1 and its dependent claims 2, 9-17 be withdrawn.

Independent method claim 3 has also been amended to recite:

3. (Currently Amended) A method of effecting a cashless payment transaction by means of a merchant station (1) characterized by a merchant station identification code, a mobile cell phone (2) with a SIM card and an identification code associated with the SIM card and a comparing device (3), which comprises a transaction memory device (10), a merchant checking device (11) for checking the identification codes of the merchant stations authorised for this method, and a subscriber checking device (12) for checking the identification codes of the SIM cards authorised for this method and, in the case in which the identification code of the SIM card is not its telephone number, for storing the telephone numbers associated with the SIM cards, and which is connected to account keeping devices (15), comprising the steps:

reading into the merchant station the amount of money to be paid and the identification code of a SIM card of a mobile cell phone,

transmitting, by the merchant station, the identification code of the merchant station, the identification code of the mobile cell phone and at least the amount of money to the comparing device ~~with this identification code~~ over a data link,

checking the authority of the merchant station for the method by comparison with the entries in the merchant checking device, checking the authority of the SIM card for the method using the subscriber checking device,

terminating the method in the absence of authority, otherwise writing the data as an open transaction into the transaction memory device,

in the case in which the identification code of the SIM card is not the telephone number, reading the telephone number out of the subscriber checking device on the basis of the identification code,

making a connection from the comparing device to the mobile cell phone using the telephone number obtained,

transmitting the transaction data to the mobile cell phone,

outputting the data by the mobile cell phone,

requesting confirmation information through the mobile cell phone,

transmitting the confirmation data to the comparing device,

terminating the transaction if the confirmation data corresponds to a refusal,

transmitting the confirmation and optionally further transaction data to the merchant station, transmitting the transaction data from the transaction memory and the identification code of the mobile cell phone to an account keeping device and clearing the transaction from the transaction memory.

Even when combined the references do not teach the combination set forth in claim 3 as now amended. More specifically, neither *Hultgren et al.* nor *Musa* teach "transmitting, by the merchant station, the identification code of the merchant station, the identification code of the mobile cell phone and at least the amount of money to the comparing device ~~with this identification code over a data link~~". Once again, as seen in Hultgren's Fig. 1, 1A and 1B, the transaction is initiated by the customer, not the merchant. Neither *Hultgren et al.* nor *Musa* teach or suggest a master station initiated

transaction. For these reasons it is respectfully requested that the rejection of independent claim 3 and its dependent claims 4, 5, 7 and claims 23 – 31 be withdrawn.

Independent system claim 18 has been amended to recite:

18. (Currently Amended) A system for implementing the method according to claim 1, including

a merchant station (1) characterized by a merchant station identification code,

a mobile cell phone (2) with a SIM card and an identification code characterizing the SIM card,

a comparing device (3), which comprises a transaction data memory device (10), a merchant checking device (11) for checking the identification codes of the merchant stations authorized for this method and a subscriber checking device (12) for checking the identification codes of the SIM cards authorized for this method and which is connected to account keeping devices (15), wherein

the merchant station (1) comprises an input device and an output device (4,5) and a device (8) for making a data connection to the mobile cell phone (2),

the comparing device (3) further comprises interface devices (9) for data connection to merchant stations, interface devices (14) for mobile cell phone connections, as well as control devices (13), which after the merchant station makes making a connection to the comparing device and transmitting-transmits transaction data from a merchant station to the comparing device, checks the authorization of the merchant station for the method, using the merchant checking device (11) and terminates the method in the absence of authorization but otherwise enters the transmitted transaction data in the transaction data

memory device (10), on making a connection from a mobile cell phone (2) ~~received~~ receives the identification code of the SIM card, checks the authorization of the SIM card for the method using the subscriber checking device (12), and terminates the method in the absence of authorization, but otherwise compares the identification code with the entries in the transaction data memory device and, on finding a transaction with the same SIM card identification code, transmits the located transaction data to the mobile cell phone through the interface device for mobile cell phone connections and also sends a request for confirmation thereto, and receives the confirmation data through the interface device for mobile cell phone connections, interprets this as acceptance or refusal, transmits the confirmation information through the interface device to the merchant station and in the case of acceptance transmits the transaction data and the identification code of the mobile cell phone to the account keeping device.

Even when combined the references do not teach the combination set forth in claim 18 as now amended. More specifically, neither *Hultgren et al.* nor *Musa* teach "the comparing device (3) further comprises interface devices (9) for data connection to merchant stations, interface devices (14) for mobile cell phone connections, as well as control devices (13), which after the merchant station makes making-a connection to the comparing device and transmitting-transmits transaction data from a merchant station to the comparing device, checks the authorization of the merchant station for the method, using the merchant checking device (11)...". As seen in Hultgren's Fig. 1, 1A and 1B, the transaction is initiated by the customer, not the merchant. Neither Hultgren et al. nor Musa teach or suggest a master station initiated transaction. For these reasons it is respectfully requested that the rejection of independent claim 18 and its dependent claims 21 and 22 be withdrawn.

Independent system claim 19 has been amended to recite:

19. (Currently Amended) A system for implementing the method according to claim 3, including

a merchant station (1) characterized by a merchant station identification code,

a mobile cell phone (2) with a SIM card and an identification code characterizing the SIM card, and

a comparing device (3), which comprises a transaction data memory device (10), a merchant checking device (11) for checking the identification codes of the merchant stations authorized for this method and a subscriber checking device (12) for checking the identification codes of the SIM cards authorized for this method, and if the identification code is not the telephone number, storing the telephone number, and which is connected to account keeping devices (15), wherein

the merchant station (1) comprises an input device and an output device (4, 5) and a device (8) for making a data connection to the comparing device (3),

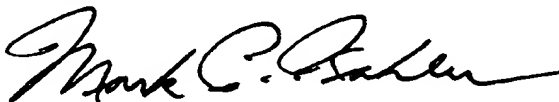
the comparing device (3) further comprises interface devices (9) for data connection to the merchant stations, interface devices (14) for mobile cell phone connections, as well as control devices (13), which after the merchant station makes making a connection to the comparing device and transmitting-transmits transaction data from a merchant station to the comparing device, checks the authorization of the merchant station for the method, using the merchant checking device, and the authorization of the SIM card for the method, using the subscriber checking device, and terminates the method in the absence of authorization, but otherwise enters the transmitted transaction data in the transaction data memory device, makes a connection through the interface device for mobile cell phone connections, corresponding to the identification code

for the mobile cell phone contained in the transaction data, transmits the transaction data to the mobile cell phone and sends a request for confirmation to this, and receives the confirmation data through the interface device for mobile cell phone connections, interprets it as an acceptance or a refusal, in the case of acceptance transmits the confirmation information to the merchant station through the interface device and transmits the transaction data and the identification code of the mobile cell phone to the account keeping device.

Even when combined the references do not teach the combination set forth in claim 19 as now amended. More specifically, neither *Hultgren et al.* nor *Musa* teach "the comparing device (3) further comprises interface devices (9) for data connection to the merchant stations, interface devices (14) for mobile cell phone connections, as well as control devices (13), which after the merchant station makes making a connection to the comparing device and transmitting-transmits transaction data from a merchant station to the comparing device, checks the authorization of the merchant station for the method...". Once again, as seen in Hultgren's Fig. 1, 1A and 1B, the transaction is initiated by the customer, not the merchant. Neither *Hultgren et al.* nor *Musa* teach or suggest a master station initiated transaction. For these reasons, it is respectfully requested that the rejection of independent claim 19 and its dependent claims 32 and 33 be withdrawn.

In view of the above, it is respectfully submitted that remaining claims 1 – 5, 7, 9 – 19, 21 - 43 are in condition for allowance. Accordingly, an early Notice of Allowance is courteously solicited. If the Examiner believes that prosecution of this patent application would be advanced by a verbal discussion, the Examiner is requested to give Applicant's attorney a telephone call at (512) 867-8502 (direct line).

Respectfully submitted,



Mark P. Kahler
Registration No. 29, 178
mark.kahler@haynesboone.com
(512) 867-8502

Dated: 12/17/2003
HAYNES AND BOONE, L.L.P.
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 512/867-8407
Facsimile: 512/867-8470

154895_1.DOC

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
on	<u>12/17/03</u>
Date	<u>Julie Schwartz</u>
Signature	<u>Julie Schwartz</u>
Typed or Printed name of person signing Certificate	